

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

RESOLUTION NO. 70-34

ORDERING CALIFORNIA AND HAWAIIAN SUGAR COMPANY TO CEASE  
AND DESIST VIOLATIONS OF THE WASTE DISCHARGE REQUIREMENTS  
OF RESOLUTION NO. 68-65, CONTRA COSTA COUNTY

WHEREAS THIS REGIONAL BOARD HAS CONSIDERED

ADMINISTRATIVE INFORMATION

1. On December 18, 1968, this Regional Board adopted Resolution No. 68-65 prescribing requirements for the discharge of wastes from California and Hawaiian Sugar Company.
2. The waste discharge requirements provide, in part, as follows:

"WASTE DISCHARGE REQUIREMENTS - RECEIVING WATERS

The discharge of these wastes shall not cause:

...

...

...

2. Unsightliness, ... nor damage to any of the protected beneficial water uses resulting from:

Floating, suspended, or deposited macroscopic particulate matter, foam, oil, or grease in waters of the State at any place; floating oil shall be considered present if in enough quantity to cause iridescence.

WASTE DISCHARGE REQUIREMENTS - WASTE STREAMS

The wastes as discharged shall meet these quality limits at all times:

1. In any grab sample:

Settleable matter in Wastes "A", "B", "C" ... shall not exceed that in the discharger's intake water from Carquinez Strait, and settleable matter in the other wastes shall not exceed:

The arithmetic average of any six or  
more samples collected on any day      0.5 ml/l/hr, maximum

80% of all individual samples collected during maximum daily flow over any 30-day period	0.4 ml/l/hr, maximum
Any sample	1.0 ml/l/hr, maximum.

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3. The discharge of Waste ... "E" shall not cause the waters of Carquinez Strait at any point outside the outer edge of the discharger's wharf to exceed the following limit of quality:

Toxicity: the concentration of the waste itself in the receiving waters	10 per cent of the 96-hour TL <sub>m</sub> concen- tration of the waste as discharged, maximum;
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The discharger may use the following as an optional alternate to the toxicity requirement on Waste ... "E" prescribed above:

Toxicity: survival of test fishes  
in 96-hour bioassays of the wastes  
as discharged

Any sample	75%, minimum
Average of any three or more consecutive samples collected during any 21 or more days	90%, minimum.

4. In any sample of Waste ..., "N"

Toxicity: survival of test fishes  
in 96-hour bioassays of the wastes  
as discharged

Any sample	75%, minimum
Average of any three or more consecutive samples collected during any 21 or more days	90%, minimum."

3. Monitoring program report submitted by the Company and inspection by the Board's staff indicated that the Company is violating the requirements listed in "2" above.

4. California and Hawaiian Sugar Company was notified by certified mail that this Board would consider issuing an Order to Cease and Desist under the provisions of Section 13301 of the California Water Code at a meeting duly held on March 26, 1970.
5. This Board, at its meeting March 26, 1970, reviewed the staff report to the Board relative to this case, considered issuing an Order to Cease and Desist, and heard all interested parties present and desiring to be heard.

#### REGIONAL BOARD FINDINGS

1. This Board accepts the aforementioned staff report as evidence and finds that California and Hawaiian Sugar Company is discharging wastes which do not comply with requirements prescribed by this Board in its Resolution No. 68-65.
2. The Company is violating the following requirements:

##### "WASTE DISCHARGE REQUIREMENTS - RECEIVING WATERS

The discharge of these wastes shall not cause:

...

...

...

2. Unsightliness, ... nor damage to any of the protected beneficial water uses resulting from:

Floating, suspended, or deposited macroscopic particulate matter, foam, oil, or grease in waters of the State at any place; floating oil shall be considered present if in enough quantity to cause iridescence.

##### WASTE DISCHARGE REQUIREMENTS - WASTE STREAMS

The wastes as discharged shall meet these quality limits at all times:

1. In any grab sample:

Settleable matter in Wastes "A", "B", "C" ... shall not exceed that in the discharger's intake water from Carquinez Strait, and settleable matter in Wastes "E", "H", "I", "L", "N", and "S" shall not exceed:

The arithmetic average of any six or more samples collected on any day	0.5 ml/l/hr, maximum
80% of all individual samples collected during maximum daily flow over any 30-day period	0.4 ml/l/hr, maximum
Any sample	1.0 ml/l/hr, maximum

...

...

...

3. The discharge of Waste ... "E" shall not cause the waters of Carquinez Strait at any point outside the outer edge of the discharger's wharf to exceed the following limit of quality:

Toxicity: the concentration of the waste itself in the receiving waters	10 per cent of the 96-hour TL <sub>m</sub> concentration of the waste as discharged, maximum;
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The discharger may use the following as an optional alternate to the toxicity requirement on Waste ... "E" prescribed above:

Toxicity: survival of test fishes in 96-hour bioassays of the wastes as discharged	
Any sample	75%, minimum
Average of any three or more consecutive samples collected during any 21 or more days	90%, minimum.

4. In any sample of Waste ... "N"

Toxicity: survival of test fishes in 96-hour bioassays of the wastes as discharged	
Any sample	75%, minimum
Average of any three or more consecutive samples collected during any 21 or more days	90%, minimum."

IT IS HEREBY ORDERED BY THE REGIONAL BOARD

1. The California and Hawaiian Sugar Company is hereby ordered to cease and desist discharging waste in violation of requirements prescribed in Resolution No. 68-65 pursuant to the following time schedule:

Complete studies needed to design the necessary facilities	March	31, 1970
Complete construction plans and specifications for the necessary facilities	May	15, 1970

Award contract(s) for construction of the necessary facilities and for the purchase of necessary equipment	July	31, 1970
Begin construction of the necessary facilities	August	15, 1970
Demonstrate compliance with toxicity requirements	September	30, 1970
Complete construction of the necessary facilities, as evidenced by acceptance of the work by the discharger	December	15, 1970
Begin compliance with the requirements of Resolution No. 68-65	December	31, 1970
Demonstrate compliance with requirements of Resolution No. 68-65 as evidenced by appropriate data collected by the discharger and filed at the office of the Regional Board	February	15, 1971

2. Pursuant to Sections 13267(b) and 13268 of the California Water Code, this Regional Board requires the discharger to file written progress reports on each of the following dates. Each such report shall be accompanied by a letter signed by the discharger's plant manager or higher official, certifying that the policy-making body is adequately informed about the report.

April 15, 1970  
 May 29, 1970  
 August 31, 1970  
 October 15, 1970  
 December 30, 1970  
 February 22, 1971

3. Upon failure by the California and Hawaiian Sugar Company to comply with any part of this order, this Board's Executive Officer is authorized and directed to request the Attorney General to petition the Superior Court for the proper legal relief restraining the Company from continuing the discharge of wastes in violation of this order and to seek civil monetary remedies pursuant to Section 13350 California Water Code.

WILLIAM C. WEBER, Chairman

March 26, 1970

I, Fred H. Dierker, hereby certify that the foregoing is a true and correct copy of Resolution No. 70-34 adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, at its regular meeting on March 26, 1970.

FRED H. DIERKER, Executive Officer  
 CALIFORNIA REGIONAL WATER QUALITY CONTROL  
 BOARD-SAN FRANCISCO BAY REGION